

## **§ 701.47**

### **§ 701.47 Program availability.**

(a) The county committee may implement the program subject to the availability of funds where new conservation problems have been created on farmland by a natural disaster or wind erosion which, if not treated; will:

(1) Impair or endanger the land or water resource.

(2) Materially affects the productive capacity of the land or water resource.

(3) Represent damage which is unusual in character and, except for wind erosion, shall not be the type that would recur frequently in the same area.

(4) Be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

(b) Subject to the availability of funds, the county committee with the concurrence of the State committee and approval of the Deputy Administrator, State and County Operations may implement the program to carry out emergency water conservation and water enhancement measures during periods of severe drought.

### **§ 701.48 Eligibility of person and land.**

Eligibility of person and land is the same as for the Agricultural Conservation Program as provided in §§ 701.7 and 701.8.

### **§ 701.49 Emergency conservation program practices.**

(a) Except for severe drought and wind erosion, cost-sharing may be offered for emergency conservation practices only to replace or restore farmland to a condition similar to that existing prior to the natural disaster. Cost-sharing may not be offered for the solution of conservation problems existing prior to the disaster.

(b) Emergency Conservation Program practices for which cost-sharing may be authorized are generally:

(1) Removing debris from farmland.

(2) Grading, shaping, releveling or similar measures.

(3) Restoring permanent fences.

(4) Restoring structures and other installations.

(5) Emergency wind control measures.

(6) Drought emergency measures.

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(7) Other emergency conservation measures.

### **§ 701.50 Practice approval.**

Practices listed in § 701.49(b)(1) through (5) may be approved by the county committees. Practices (6) and (7) of § 701.49(b) must be approved by the Deputy Administrator, State and County Operations.

### **§ 701.51 Extent of cost-sharing.**

(a) The maximum payment under this subpart per person, per disaster, is limited to \$200,000, including the amount of any payment received by such person as the result of a disaster under a pooling agreement.

(b) The cost-share payments which may be made by FSA for a practice under the program shall, subject to the maximum payment amount specified in paragraph (a) of this section and any other limitation as may apply, be further limited to the level of cost-share assistance established by the county committee not to exceed the following amounts:

(1) 64 percent of the first \$62,500 of eligible reimbursable costs; plus

(2) 40 percent of the second \$62,500 of eligible reimbursable costs; plus

(3) 20 percent of the remaining eligible reimbursable costs up to such amount as would produce a cost-share not in excess of the limitation in paragraph (a) of this section.

### **§ 701.52 Eligible costs.**

Upon determination that a person is eligible for Emergency Conservation Program assistance, cost-sharing shall be granted for all reasonable costs incurred in the completion of the practice. Such costs may include personal labor, equipment, and other such costs which are determined by the county committee to be related to the costs of carrying out the practice. County committees shall limit costs for the use of personal equipment to an amount that reflects out-of-pocket expenses. Expenses for personal labor and personal equipment should be less than rates charged by contractors who expect to make a profit for their efforts.